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LB 494, 495, 655

let me just brief you on what is contained in LB 1506 (sic--AM1506). Again, I did ask Senator Schimek if she would be amenable to me attaching this, and she said yes. As a matter of fact, it addresses a problem that she had tried to address in previous sessions, I understand. AM1506 would prohibit nonconsensual common-law liens. A nonconsensual common-law lien is defined in the bill as a document that purports to assert a lien against real or personal property, and is either not expressly provided for by statute, or does not depend on the consent of the owner of such property, or is not an equitable or constructive lien imposed by a court. LB 495 and AM1506 would provide that the Secretary of State, county clerk, register of deeds, and the clerk of any court, shall refuse to accept for filing any nonconsensual common-law lien. A court order may order such recorded liens stricken from the record. And the bill provides that the owner...if the owner does pursue that court order, there shall be no filing fee for such a court order. This is a companion bill to LB 494, which we did pass on Final Reading on April 25. And I would urge the adoption of AM1506.

SPEAKER BROMM: Thank you, Senator Quandahl. Senator Beutler.

SENATOR BEUTLER: Senator Quandahl, a couple of questions, if I might.

SPEAKER BROMM: Senator Quandahl.

SENATOR QUANDAHL: Yes.

SENATOR BEUTLER: First of all, with respect to the definition of a nonconsensual common-law lien, and just thinking for a moment about construction liens, if somebody filed a lien and wrote at the top "construction lien," and either unintentionally or intentionally had inappropriately filed it, that is, they knew darn well it wasn't in the right time period, or they otherwise had no right to do that, this bill doesn't apply to anything like that, does it?

SENATOR QUANDAHL: It's...I wouldn't think that it would. Because a construction lien is expressly provided for in our